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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,840	01/12/2000	Michael Robert Hanson	04860.P1712C	6190

7590

03/18/2003

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EXAMINER

FEILD, JOSEPH H

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application N .</b>	<b>Applicant(s)</b>	
	09/481,840	HANSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOSEPH H FEILD	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14,16-25,28,30-35,38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14,16-25,28,30-35,38 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This office action is responsive to Amendment D and the Terminal Disclaimer, filed 12/26/02.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 14, 16-25, 30-35, and 38-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Jordan et al (5,745,113).

With respect to independent claims 14, 20, and 31, and dependent claims 17-18, 21-22, 25, 28, 30, 32, 35, and 38-39, Jordan discloses a user interface which allows a user to edit, manipulate, and define objects to create new ones. Refer to Jordan's abstract, figures 2 and 3, and column 6 (line 15) through column 8 (line 7). Jordan discloses a map editor, which allows a user to create a map. Specifically, at column 6 (lines 30 et seq—with reference to figure 2), Jordan discloses, *To add to a map, a user will select an object type from a palette of objects 30 and place it in the map drawing pane 32, creating an instance of the object type. There the object can be positioned, resized, duplicated, grouped with other objects to form larger objects, aligned with*

*another object[ed], deleted, and so on. At column 6 (lines 40 et seq), Jordan further discloses, The map editor has a number of predefined types of objects that might be found in typical office settings . . . The objects appear in palettes, a limited number of which may be selected by the user to appear on the map editor window. A user may create new objects and palettes at any time. At column 7 (lines 19 et seq—with reference to figure 3), Jordan discloses, an object editor, invocable as a menu item, allows a user to create new types of display objects (user-defined map object types) or modify existing ones. Through dialog boxes, the user selects an existing or new object, edits how it is displayed on a map, edits the icon used for it on palette buttons, specifies the types of record in the database that objects of the type can point to, renames it, or removes it.*

Thus, Jordan teaches a “palette window” at figure 2 (left side) and figure 3 (left side), which comprises a “list” that includes “predefined objects” (top left) and “user-defined objects”—*A user may create new objects and palettes at any time* (column 7). Jordan discloses a “view window” at the right side of both of figures 2 and 3. An “input device” (mouse or keyboard—see figure 1) is used to select and manipulate objects. Jordan also discloses a *PALETTE SET POP-UP* in figure 2, which includes an arrow that evidently provides more selections than the illustrated *Basic Set*. It is noted that the claims do not require that the first and second lists be displayed simultaneously.

With regard to dependent claims 16, 23-24, and 33-34, Jordan illustrates “predefined objects” at the top left side of each of figures 2 and 3.

With regard to dependent claim 19, refer to Jordan's figure 5, in which a "list of properties" is illustrated in an "object editor window".

### ***Response to Arguments***

4. Applicant's arguments filed 12/26/03 have been considered but are non-persuasive.

Applicant argues (page 10, lines 3 et seq) that "The Jordan patent does not . . . disclose a system that organizes and displays objects in separate lists". The examiner disagrees. Each palette separately displays its objects. As is noted above, under §102, the claims do not require the lists to be displayed simultaneously. Furthermore, since Jordan discloses that users can create customized palettes, and each palette can be selected separately (as in figure 2—PALETTE SET POP-UP), it follows that they would be stored and maintained separately. Furthermore, even if the claims were amended to require the lists to be displayed simultaneously, it would have been obvious to one of ordinary skill in the art at the time of the invention to do so in order to provide the user with a greater number of selections.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action (from §103 to §102). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

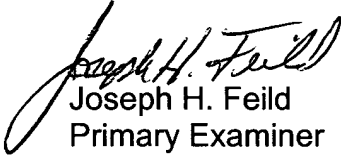
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH H FEILD whose telephone number is (703) 305-9792. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER HERNDON, can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are:

(703) 746-72398	<b>(After Final Communication)</b>
(703) 746-7239	<b>(Official Communication)</b>
(703) 746-7240	<b>(Status Inquiries, Draft Communication).</b>

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

  
Joseph H. Feild  
Primary Examiner  
Art Unit 2176  
March 7, 2003